

IN THE UNITED STATES DISTRICT COURT
 THE SOUTHERN DISTRICT OF GEORGIA
 WAYCROSS DIVISION

FILED
 U.S. DISTRICT COURT
 FOR SAVANNAH DIV.

2007 JAN 26 AM 10:46

MINNIE SMITH

Plaintiff,

v.

JO ANNE B. BARNHART,
 Commissioner of Social
 Security,

Defendant.

CASE NO. CV505-83

CLERK *M. Davis*
 SO. DIST. OF GA.

O R D E R

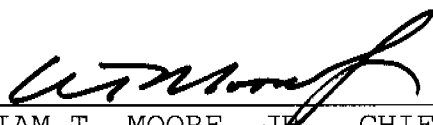
After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In her Objections, Plaintiff contends that the Eleventh Circuit Court of Appeals requires an Administrative Law Judge ("ALJ") to comment on and address each piece of evidence, all witness testimony, and assess the credibility of a claimant based on all of the evidence. Plaintiff contends that the ALJ's decision is not supported by substantial evidence because he did not consider certain medical records that were submitted after the hearing.

Contrary to Plaintiff's contention, an ALJ is not required to comment on or address every piece of evidence before him. Dyer v. Barnhart, 395 F.3d 1206, 1210-11 (11th Cir. 2005) (noting that an ALJ's conclusion must be supported by substantial evidence and that there must be enough evidence for a reviewing court to conclude that a

claimant's medical condition as a whole was considered). In the instant case, the ALJ based his decision on an extensive record of medical documents, testimony, and evaluations. He held the record open and considered medical records submitted up to five months after the hearing and two months after Plaintiff retained counsel. As explained in the Report and Recommendation, the evidence relied upon is sufficient for the Court to conclude that the ALJ considered Plaintiff's medical condition "as a whole." Id. at 1210; Footte v. Chater, 67 F.3d 1553, 1562 (11th Cir. 1995). As the Seventh Circuit has noted, no record will ever be fully "complete" if a claimant continues to seek additional treatment and evaluation. Kendrick v. Shalala, 998 F.2d 455, 456-457 (7th Cir. 1993).

The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. The decision of the Commissioner is **AFFIRMED**. The Clerk of Court is directed to enter an appropriate Judgment of **DISMISSAL**.

SO ORDERED this 26th day of January, 2007.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA